

REMARKS

The present application was filed on February 6, 2001 with claims 1-38. In the outstanding Office Action dated November 21, 2003, the Examiner: (i) rejected claims 1-3, 10-12, 18-27 and 38 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,377,913 to Coffman et al. (hereinafter “Coffman”); (ii) rejected claim 28 under 35 U.S.C. §103(a) as being unpatentable over Coffman; and (iii) allowed claims 4-9, 13-17 and 29-37.

In this response, Applicants: (i) amend claims 1, 4-8, 10 and 13-18; and (ii) traverse the various §102(e) and §103(a) rejections for at least the following reasons.

Due to the indication of allowable subject matter, Applicants have rewritten dependent claims 4-8 and 13-18 in independent form. It is believed that said claims, along with allowed independent claims 9 and 37, are in condition for allowance.

Applicants have amended independent claims 1, 10 and 18 to indicate that the claimed invention “provides for a capability to make a determination of an intent, a focus and a mood of at least one of the one or more users based on at least a portion of the obtained multi-modal input data.” Among other deficiencies, Coffman does not disclose the step/operation of “providing for a capability to make a determination of an intent, a focus and a mood of at least one of the one or more users based on at least a portion of the obtained multi-modal input data,” as in the claimed invention. For at least this reason, dependent claims 2, 3, 11 and 12 are also believed to be patentable over Coffman.

Regarding claims 19-28 and 38, Applicants assert that Coffman fails to disclose that “the multi-modal data includes at least audio-based data and image-based data.” That is, the multi-modal data in Coffman is audio data and graphical data. By graphical data, Coffman refers to data that can be input in accordance with a standard graphical user interface, i.e., data input via keyboard and/or mouse (see, e.g., column 3, lines 54-64). While the present invention is capable of processing such data, the claims refer to “image-based data.” By way of example, at page 6, lines 26-28, of the present specification, it is explained that the present invention may be configured to receive and process, not only visible image data (e.g., video), but also (or alternatively) non-visible image data such as infrared (IR) visual data. Coffman does not disclose such image-based data capability.

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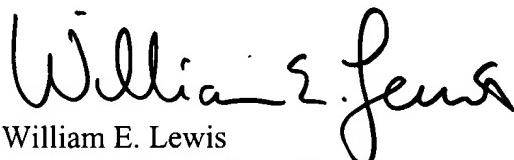
For at least this reason, Applicants assert that claims 19-28 are patentable over Coffman. With regard to claims 29-36, which depend from claim 19, the Office Action indicates that said claims contain allowable subject matter. Applicants also assert that they are also patentable over Coffman for the same reasons as claims 19-28.

Applicants also respectfully contest the taking of Official Notice with respect to claim 28 and request the Examiner to produce a reference to support the rejection.

Applicants also point out that it is believed that Coffman is unavailable as a § 103(a) reference in accordance with §103(c), since both Coffman and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In view of the above, Applicants believe that claims 1-38 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,



William E. Lewis  
Attorney for Applicant(s)  
Reg. No. 39,274  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-2946

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